

Message

From: Maignan, Tawanda [Maignan.Tawanda@epa.gov]
Sent: 12/20/2018 9:23:49 PM
To: Davis, Kable [Davis.Kable@epa.gov]
Subject: FW: Dicamba - Texas 24(c)

FYI

From: Kenny, Daniel
Sent: Wednesday, December 19, 2018 6:58 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Koper, Christopher <Koper.Christopher@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: Dicamba - Texas 24(c)

Hi Rick. This note is to follow up on our conversation earlier today. I've done a little more research and have a little more to add. In addition, Bob Perlis called and was describing points that he felt were important that I thought you should know about as well.

Texas is asking our input on the following changes to the label via 24(c):

- 1) User may be apply over-the-top of Dicamba tolerant cotton varieties up to 90 days after planting (as opposed to 60 days).
- 2) Applications are permitted at any time of the day as long as there are no temperature inversions at the field level (no time of day restrictions).
- 3) Up to 4 applications per growing season may be made to cotton within 90 days after planting (as opposed to 2).
- 4) Also, it is a little more confusing, but it appears that they are changing the requirement for use by certified applicators only (not by those under their supervision) to application only (not to include mixing/loading or cleaning of equipment). The actual labeling reads "**Restricted Use Pesticide:** For sale to and use **ONLY** by Certified Applicators. Noncertified applicators are prohibited from applying this product."

It does appear to change/remove most of the actual use mitigation for cotton that was recently added. However, our initial thoughts

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

OGC has cautioned that

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Tawanda is planning to speak with Texas tomorrow (unless she hears otherwise) and is planning to ask for this support so that it can weigh in on our response to them.

Thanks,
Dan

Daniel Kenny, Chief
Herbicide Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency